

AHEARN'S TITLE TO OFFICE PUT TO LEGAL TEST

Martin Littleton and Deputy Attorney General DeFord Argue Case in Court.

Justice McCall heard Martin W. Littleton in the Supreme Court to-day on a demurrer to the suit of Attorney-General Jackson to oust John F. Ahearn from the presidency of the Borough of Manhattan, to which he was re-elected by the Aldermen of Manhattan Borough immediately after his removal by Gov. Hughes.

Mr. Littleton contended that the same section of the statute which conferred upon the Governor the power of removal by his second clause conferred upon the Aldermen representing the Borough in the Common Council authority to elect a man to fill the vacancy thus created, and did not prohibit them from electing the man just removed. Chief Judge Cullen, of the Court of Appeals, in the case of William S. Devery, declared the statute giving the Governor the absolute power of removal and making the removed official ineligible for reappointment was opposed to the principle of home rule and unconstitutional.

Argues Against Ahearn.
Against this Deputy Attorney-General DeFord said:

"The law under which Devery was removed conferred upon the Governor the absolute power of removal, and made the officer removed ineligible. The statute under which President Ahearn was removed conferred the power of removal upon the Executive of the State only after charges had been preferred and a hearing given to the accused official, and then only on the judgment of the Governor that the official was either dishonest or inefficient."

"The Court of Appeals," said Mr. DeFord, "has ruled that neither the Supreme Court of the State nor any other court has the power to review the act of the Executive under the power conferred upon him by this statute. On this court accept or consider the proposition made with so much eloquent persuasiveness by counsel for Mr. Ahearn, that the Board of Aldermen for Manhattan Borough may sit as a Court of review and pass upon the action of the Governor and nullify it by re-electing the very man he has removed after charges and a hearing in full accordance with the statute conferring the power of removal upon him?"

"The law must be construed with common sense. This law was put on the statute books for the protection of the people against dishonest or inefficient public officials, and it certainly was not the intention of the Legislature to give to a local board—the Aldermen representing the Borough of Manhattan—the power to protect the people and to nullify it by reinstating the Borough President who had been removed under its provisions."

The Devery Case.
"In the Devery case the law said the removed officer should not be eligible for the same office again, immediately or at any time, and gave the Executive an arbitrary power to remove the Police Commissioner on his individual judgment that it would be in the best interest of the public to remove him, and it was such a law that Judge Cullen in his dictum said was opposed to the home rule principle and unconstitutional."

Nelson S. Spencer and Charles N. Strong, representing the meeting held at the Hotel Manhattan by the Citizens' Union, City Club and other municipal reformers, were in court, and Mr. Spencer handed up a brief in support of Mr. DeFord's contention.

Justice McCall made a decision, though his questions and comments as the answers debated seemed to forecast a decision favorable to Mr. Ahearn.

BINGHAM'S BUSY DAY.

Returns from a Ten Days' Holiday to Find Plenty of Work.

Police Commissioner Bingham returned to-day from a ten days' vacation to find an extensive programme mapped out for him. At noon he had a conference with the Mayor; at 1 o'clock he went before the Board of Estimate and at 2 before the Board of City Magistrates. To-night he will make a speech at the City Club dinner. The Commissioner said that he believed Deputy Commissioner Woods had engaged William F. Hazen, former chief of the Federal Secret Service, to assist the Central Office in gathering evidence against anarchists.

He has turned over a mass of evidence and names to the Immigration Commissioner and the Commissioner of Commerce and Labor, looking toward the deportation of suspected anarchists with bad foreign records.

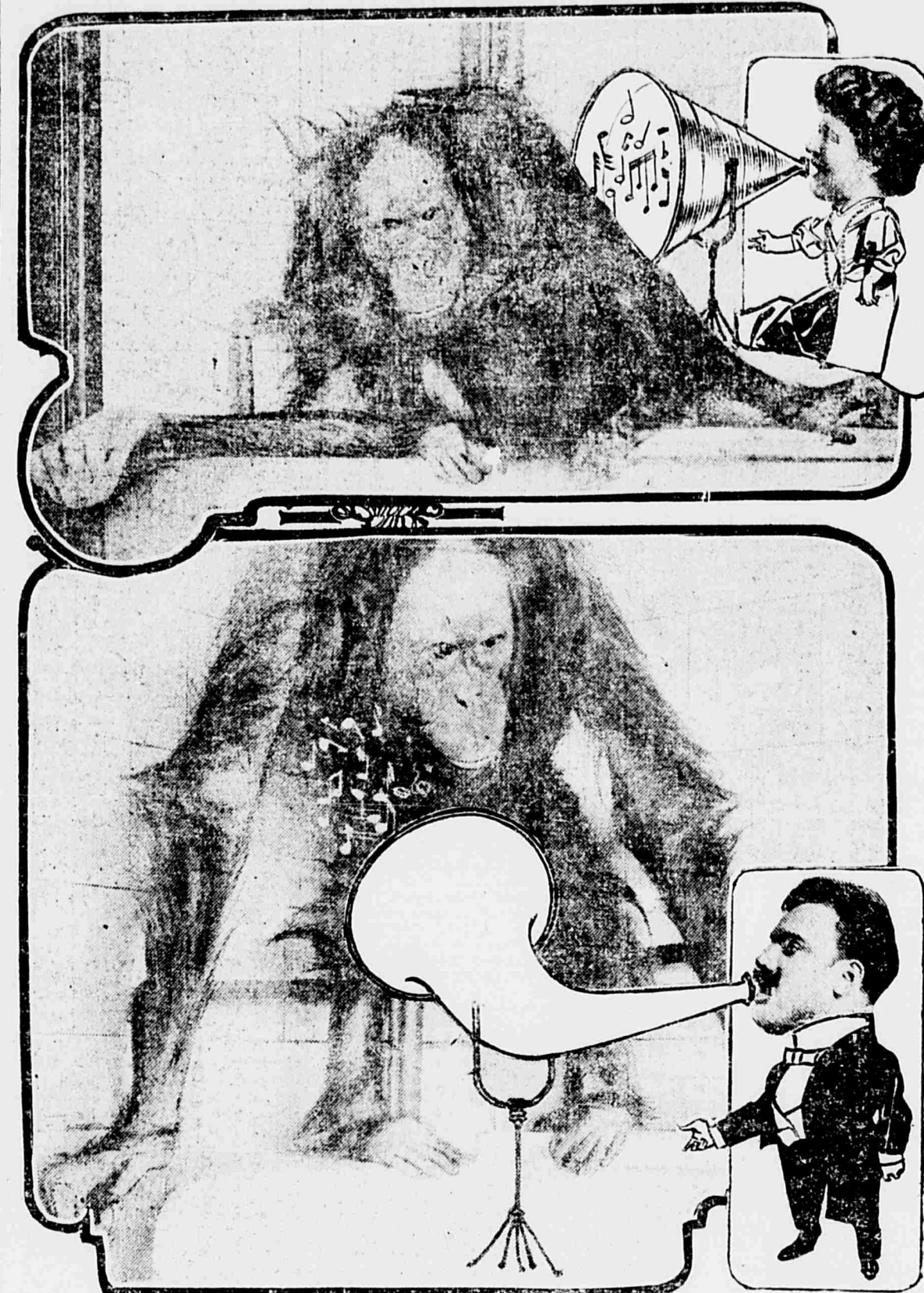


Music Makes the "Blues" Step Lively

But no more rapidly than "low prices" make the pianos and other musical instruments "move" than are advertised for sale—at your own terms—

THROUGH
WORLD "WANT" ADS

Mr. Butts Fails to Enthuse Over Tetrazzini, But Likes Caruso.



Mr. Butts is the most intelligent, chimpanzee that civilization has ever known. He knows nine times as much as an amateur socialist and nearly one hundred times as much as a new Harvard graduate thinks he knows, and he does love music, especially certain kinds of music.

This was proved Saturday up in the menagerie in the basement of Madison Square Garden, where Mr. Butts has been spending part of Lent. He was leaving last night for the West to join

the Ringling Show, and Dexter Modest, Violent Fellowes, the press agent, thought it would be a lovely idea to take a few photographs of Mr. Butts for distribution as farewell remembrances among his friends in the Bar-

ton & Batley circle. You know how it is with those press agents. They try to keep those thoughtful little things secret, but no matter how careful they are, some one is sure to leak out and stray as far south as Park Row, and the next thing you know there are special accommodations, writers and artists snipping, crawling under the main tent, and there's nothing left for Follows to do except to make a good face over it and admit and treat them kindly, and drop a helpful word here and there at the intruders as they prance around.

And so it happened that a lot of these outsiders from newspaper offices butted in yesterday just when the photographer was posing Mr. Butts with a photograph fixed up alongside of him

to furnish diversion until the sitting was over. The pictures tell the story. First the assistant in charge of the photographer touched off a cylinder carrying Tetrazzini's voice in her great aria from "Lucia."

There was nothing to it, Mr. Butts never forgets to be a gentleman, and he sat there playing with his shirt studs and occasionally sipping a disposers of music. He knew how it was with those press agents. They try to keep those thoughtful little things secret, but no matter how careful they are, some one is sure to leak out and stray as far south as Park Row, and the next thing you know there are special accommodations, writers and artists snipping, crawling under the main tent, and there's nothing left for Follows to do except to make a good face over it and admit and treat them kindly, and drop a helpful word here and there at the intruders as they prance around.

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JARVIS WAS SEEKING A GAME AND A LADY

That's Why He Was Found in a Room at the Gilsey House, He Says.

William A. Jarvis, the self-styled English tourist, who was arrested for forcing his way into a room in the Gilsey House, and Harold Lonsdale, another Englishman, who was his companion, were again arraigned in the Jefferson Market Court, to-day, before Magistrate Hermann.

There were a dozen witnesses against them, all of whom agreed that they had no right in the room they were discovered entering, but their stories left some confusion in the mind of the Magistrate.

Jarvis declared that a friend of his, with whom he intended to sail to Liverpool, had told him that there was a lady and "a game" in a certain room in the Gilsey House. He had missed the lady and "the game" and blundered into the wrong room—a damned unfortunate mistake!

Why had he taken Lonsdale? "Well, now, I'd let him in for the game also."

Lonsdale, who is employed as a cashier in an Eighth Avenue restaurant, said he had met Jarvis in South Africa three years ago and that they had become "right clever chums." On the day they invaded the Gilsey House Jarvis had simply invited him to go up and see a friend.

"He said nothing about a lady, sir," concluded Lonsdale, "not a bloomin' word."

"He's correct, Your Honor," admitted Jarvis. "I said nothing about the lady, as I wanted to surprise him, give him a bit of a shock. That was the game, I swear, sir."

Very much puzzled over the complexities in the case, Magistrate Hermann held the two prisoners until tomorrow, when he will make up his mind whether to hold them for trial or let them go. Their bail of \$1,000 each continued.

The police also continued to berate them both as crooks of long-standing record.

FIFTY YEARS IN THE CITY MENAGERIES

Joseph Conway, Keeper of Central Park Sheepfold, Celebrates Anniversary.

Joseph Conway, the keeper of the sheepfold at Central Park, celebrated the fiftieth anniversary of his service in the Park Department to-day. He was appointed a keeper for the city menagerie on April 13, 1858, when the menagerie consisted of two bears, two monkeys, two camels and two snakes.

He has been the Central Park shepherd for thirty-two years. Among other notes of congratulations and presents the old man received to-day was a hand-carved leather collar with a gold plate. The package came in a little box addressed in a big flourishing hand, and with the collar was a silver whistle engraved with Conway's name. The gold plate on the collar was engraved with the name "Beauty."

After Conway had got all the packing out of the box he found a folded sheet of scented paper, on which was written:

"Dear Mr. Shepherd: Will you please put this collar on the little lamb that plays with me every day? When mamma was a little girl just like me she used to play with the lambs, and she says that you were the great big man that was good to little girls. This whistle is for your birthday."

Conway would not tell the name of the little girl, but said that she and her mother drove to the sheep fold every fair day and the little girl gambled on the green with the little lamb.

Forty-six lambs have been born in the sheep fold this spring. Five sets of triplets were born within the past ten days. Of the forty-six lambs so far born twenty are rams and twenty-six ewes. The father of them all is Sir Roger, a ram who is at present tied up back of the elephant house.

JAMES MCGREERY & CO.

23rd Street

34th Street

On Tuesday, April the 14th.

ART DEPARTMENTS: In Both Stores.

Easter Novelties,

Made of delicate shades of silk and satin, hand-embroidered, such as Hat Stands, Trinket Cases, Jewel Trays, Photo Frames, Ribbon Boxes, Bags, etc. At moderate prices.

Fourth Floor, Twenty-third Street. Seventh Floor, Thirty-fourth Street.

RIBBONS. In Both Stores.

5 1/4 inch Satin Ribbon with white polka dots. Navy and "Alice" Blue, Brown, Tan, Reseda and Black, 29c per yard value 50c

6 inch Messaline and 5 3/4 inch Taffeta Ribbon. A complete assortment of colors, black and white. 25c per yard value 30c

INFANTS' OUTFITTING DEPT'S. In Both Stores.

Three-quarter length Reefer Coats. Made of Pongee, lined throughout. Also hand-embroidered Pique Coats. Size 2 to 5 years. 5.00 and 7.50

A number of Coats made of fancy mixed materials, plain cloth and white and colored Cheviot. At greatly reduced prices.

Leghorn, Pongee and Fancy Straw Hats. Neatly trimmed with ribbon and velvet bands. 3.50 and 4.50

CORSETS. In Both Stores.

All Corsets Carefully Fitted.

C. B. a la Spirite Corsets. New models for well developed figures, with high bust and long deep back. Front and side supporters. 1.50

C. B. a la Spirite Corsets. Models for every type of figure. With strong front and side supporters. 2.00

C. B. a la Spirite Corsets for average, slender and well developed figures. With long deep back, greatly reducing the hips. 2.50

C. B. a la Spirite Corsets. Made of fine Broche and Batiste. Many models especially designed for well developed figures, giving graceful, slender lines. 3.00 to 8.00

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On Tuesday, April the 14th.

TRIMMED MILLINERY. In Both Stores.

Exhibition of new models, including all the latest styles from Georgette and Rebcux.

LACE DEPARTMENTS. In Both Stores.

Sale of 2,000 yards Novelty Laces as used on the model gowns. The latest designs, colors and gold. Gallions, Insertions and Edges. 1 1/2 to 10 inches wide. Also white Princess Laces, Gallions and Motifs.

75c, 1.25 and 1.45 per yard value 1.50 to 5.00

FAN DEPARTMENTS. In Both Stores.

A choice selection of Real Lace, hand-painted and spangled Fans and spangled Silk Handkerchief Bags. The latest shades to harmonize with Spring Gowns.

On Tuesday, April the 14th.

Sale of 100 dozen hand-painted and spangled Fans. Mounted on carved bone, ebony and sandal wood. White, black and colors. 2.00 value 3.75 to 6.75

LADIES' SUITS. In Both Stores.

Tailored Suits. Made of Serge, Panama Cloth and Novelty Fabrics. Medium and long coat models.

21.00, 25.00 and 32.50
Three-piece Tailored Suits. Made of stripe Panama Cloth. 27.00
Voile Princess Dresses, mounted over taffeta silk. Light and dark colors. 35.00

FEATHER BOA DEPT'S. In Both Stores.

Fancy Feather Collars, with ribbon ends. Coque, Marabout and Coque, Chiffon and Marabout, Ostrich and Marabout. 2.50, 5.50 and 7.50 value 3.50 to 12.00

Marabout Stoles. 5 strands. 78 inches long. 5.50 value 7.50
Marabout Stoles. 7 strands. 90 inches long. 7.50 value 10.50

JAMES MCGREERY & CO.

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POLICE STATION DOOR MAN A SUICIDE

Trivial Incident Preyed Upon Phelan's Mind Until Life Became Unbearable.

Timothy J. Phelan, a doorman at the Parkville police station, shot himself through the right temple with a service revolver to-day in a vacant room on the second floor of the station house. He was dead before Dr. Gilbert could arrive from the Kings County Hospital with an ambulance. It was a trivial incident which preyed on Phelan's mind until he found life unbearable. On New Year's Eve Jacob Spradestreich and his wife, an aged couple, who for years had kept a road-house in Parkville, were killed in their rooms by escaping gas. The following morning Phelan, passing the house of death on his way to work, saw a lot of chickens in the yard, unfed and slowly freezing to death. He gathered up the numbed fowls took them to the station-house and housed them temporarily in the cupola. Under the regulations of the Department it is wrong to keep pets or animals of any sort on police property, and the commander of the precinct was compelled to file technical charges against Phelan.

On his trial before Deputy Commissioner Baker Phelan pleaded an impulse of kindness as his excuse, and the charges were promptly dismissed. Nevertheless Phelan was greatly distressed. It was the first time in his long record as a policeman that he had ever been accused of any offense, however trivial. Some of the papers printed joking stories about the case, and children on the street would imitate the rowing and clucking of chickens when Phelan passed them. From being cheerful and genial, he turned moody and despondent.

Phelan seemed more than usually gloomy when he returned to duty, Capt. Van Tassel today for duty. A little later some of the reserves heard a shot. They found Phelan lying on the floor with the pistol in his hand. The dead doorman was forty-two years old. He lived with his wife and several children at No. 31 East Seventh street, Brooklyn. He had been on the force for a good many years.

The Business enterprises sold through Sunday World Wants are usually "Bargains" in every sense of the word.

100 CRATES OF BAD BERRIES SEIZED

Health Inspectors Promise to "Get After" Adams Express Company Officials.

A corps of Board of Health inspectors, led by Inspector Gruber, took vigorous action to-day in the matter of a custom of the Adams Express Company in disposing of fruit, refused by our citizens because of its unsalable condition, to east side pie bakers and jam makers.

Two drivers for the express company were arrested, 100 crates of strawberries were seized, and Inspector Gruber announced his intention of going after the inside managing officer of the express company.

Within the past two weeks eastward of North Carolina strawberries have arrived in New York via Adams Express Company, consigned to wholesale dealers. Thousands of crates have been found to be spoiled and have been refused to be opened and the jam makers. The berries were taken to the public dump and disposed of. No arrests were made in the establishment of the express company officials, responsible for the evasion of the law.

"THEY ALL LOOK ALIKE TO MARY." This is the title of the next song to be given by the New York Sunday World. It was a trivial incident which preyed on Phelan's mind until he found life unbearable. On New Year's Eve Jacob Spradestreich and his wife, an aged couple, who for years had kept a road-house in Parkville, were killed in their rooms by escaping gas. The following morning Phelan, passing the house of death on his way to work, saw a lot of chickens in the yard, unfed and slowly freezing to death. He gathered up the numbed fowls took them to the station-house and housed them temporarily in the cupola. Under the regulations of the Department it is wrong to keep pets or animals of any sort on police property, and the commander of the precinct was compelled to file technical charges against Phelan.

UNION FERRY LINE INCREASES FARES

Two Cent Rate in Rush Hours and Extra Fare for Teams Due to Loss of Income.

Teamsters and truck drivers who daily cross the East River were surprised to-day when they were told they would have to pay from 5 to 15 cents extra in the five lines operated by the Union Ferry Company.

The fare for passengers was also raised from one to two cents during the rush hours, the police having been posted early yesterday morning. The lines of the Union Ferry Company are the Fulton, West, Catharine, South and Hamilton, and is one of the oldest corporations of the kind in the city.

The fare during the rush hours, from 7 o'clock, both in the morning and evening, has been one cent since 1899. The company was organized in 1843, and until "Boss" Tweed compelled it to make the reduction in 1892 the two-cent fare prevailed.

The President of the company, Julian D. Fairchild, made the following statement to-day to an Evening World reporter.

The Union Ferry Company has operated the ferries for several years at great disadvantage. The opening of the Williamsburg Bridge, the free passenger service for through riders, the opening of the tunnel and the increase in wages and operating expenses have all combined to reduce the income to a point where it is no longer possible to operate the ferries at the old rates."

THANKS EVENING WORLD.

To the Editor of The Evening World: Dear Sir—On behalf of the Executive Committee of the first automobile carnival held in New York City, I desire to express sincere appreciation for the splendid support accorded by your valuable paper toward the consummation of what has been the grandest demonstration of the automobile utility in its history. Yours very truly, JOHN T. CUTTING.

Some Exclusive Features You Missed if You Didn't Get The Sunday World Yesterday

Hundreds of applicants for naturalization deferred from voting unless Congress makes provision for paying the Naturalization Bureau clerical force.

Byline Edwards, sixteen, alleges she was overcome by drink and entrapped into a pretended marriage with Max Edwards in October, 1907. Former Alderman Luke often, zealous advocate of Home Rule, robbed by an inmate, a former convict, who had professed conversion.

Search instituted for long missing Miss Marie Smith, daughter of Policeman John H. Smith, the "millionaire cop" who left a \$100,000 estate. The World's woe of the connection between corrupt policemen and gambling houses to be considered by the Grand Jury.

A remarkable interview with the wife of the Sultan's Minister to the United States—a charming woman who "never set eyes on any other man but her husband."

Prince de Sagan tells Roy McCardell, of The World, the "story of his life"—the only "prearranged and heart to heart" interview he has extended any American newspaper.

Full details of The World's comprehensive plan for an extended tunnel and subway system, already sanctioned by five boroughs.

7,260 Separate Advertisements

A two-page, illustrated article of great historic value about the assassination of Abraham Lincoln, which occurred forty-three years ago to-morrow.

TWO NEW COMIC SKITS IN THE FUNNY SECTION.

A HOME PAGE FOR WOMEN ABOUT SPRING STYLES IN HATS, ETC., EDITED BY MARGARET HUBBARD AYER.

The Words and Music of a Delightful Love Song, "I Want the World to Know I Love You," the Musical Feature in "The Talk of New York," at The Knickerbocker Theatre.

THE BEST MAGAZINE-NEWSPAPER PUBLISHED.